

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Suits Against the Saint Thomas Entities

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

**SAINT THOMAS ENTITIES' MOTION TO COMPEL
GREGORY CONIGLIARO TO PRODUCE CERTAIN MATERIALS**

The Saint Thomas Entities¹ hereby file this motion to compel Gregory Conigliaro to produce certain business records related to training and marketing at Medical Sales Management, Inc. and Medical Sales Management SW, Inc. (collectively “MSM”).

This MDL concerns the sale of contaminated medication by NECC to health care providers across the country. MSM marketed NECC's products to hundreds of health care providers, including Saint Thomas Hospital, based on false representations that NECC compounded safe, high quality products that met industry standards and were properly tested. Mr. Conigliaro is an owner, director, and secretary of MSM. He is also an owner and director of NECC.

The Saint Thomas Entities hereby seek to compel production of the following, narrowly defined and readily identifiable items:

- Twenty-six discs containing audio and video recordings of NECC sales trainings labeled “NECC Sales Audio and Video.”;

¹ Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

- White binder labeled, in part, “NECC Sales & Product Training March 7-11, 2005” (Control # 56);
- Compact discs labeled, in part, “Barry Cadden Sales Education” (Control # 56);
- Compact disks labeled, in part, “Barry Cadden Sales Education” (Control # 28);
- Compact Discs labeled, in part, “Barry Cadden Sales Education” (Control # 41);
- Pages of instructions on confirming orders (Control # 27);
- White binder labeled, in part, “New England Compounding Center Pharmacy and Product Training Guide” (Control # 6);
- Packet labeled, in part, “Do you have questions about specific risk levels for any of your hospital's compounded preparations?” (Control # 43);
- Promotional book labeled, in part, “NECC Hospital” (Control # 15);
- White binders labeled, in part, “Training Binder” (Control # 33);
- White binders labeled, in part, “Hospital Team Training Binder” (Control # 33);
- White binder labeled, in part, “necc Surgery Center Training Binder” (Control # 8);
- White binder labeled, in part, “necc Surgery Center Training Binder” (Control # 7);
and
- White binders labeled, in part, “Surgery Center Training Binder” (Control #33).

WHEREFORE, the Saint Thomas Entities respectfully request that the Court enter an order compelling Mr. Conigliaro to produce the documents listed above.

Dated: Sept. 29, 2015

SAINT THOMAS WEST HOSPITAL F/K/A ST.
THOMAS HOSPITAL, SAINT THOMAS
HEALTH, AND SAINT THOMAS NETWORK

By their attorneys,

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CERTIFICATE OF CONFERENCE

I certify that counsel for Gregory Conigliaro was contacted regarding the relief requested and it is opposed.

/s/ Sarah P. Kelly
Sarah P. Kelly

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 29th day of September, 2015.

/s/ Sarah P. Kelly
Sarah P. Kelly